

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: APU	CCRB Case #: 201806618	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/29/2018 7:50 PM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 1/29/2020	EO SOL 1/29/2020	
Date/Time CV Reported Sun, 07/29/2018 10:15 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/13/2018 10:57 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Gonong	24373	963050	PSA 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gurdit Rathour	26077	965448	PSA 2

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Gonong	Force: Police Officer Joseph Gonong used physical force against § 87(2)(b)	[REDACTED]
B.POM Joseph Gonong	Force: Police Officer Joseph Gonong used a chokehold against § 87(2)(b)	[REDACTED]
C.POM Joseph Gonong	Force: Police Officer Joseph Gonong restricted § 87(2)(b)'s breathing	[REDACTED]

## Case Summary

On July 29, 2018, § 87(2)(b) filed this complaint on behalf of her daughter, § 87(2)(b) with the Internal Affairs Bureau via telephone, generating IAB log number 2018-30506 (Board Review 01). This case was referred to the CCRB, where it was received on August 13, 2018.

On July 29, 2018, at approximately 7:50 p.m., § 87(2)(b) and § 87(2)(b) were engaged in a dispute in the playground outside of § 87(2)(b) in Brooklyn. Police Officer Joseph Gonong and Police Officer Gurdit Rathour, both of Police Service Area 2, responded to the scene, and in their presence, § 87(2)(b) slapped § 87(2)(b) in her face. § 87(2)(b) attempted to retaliate, and Police Officer Gonong allegedly grabbed § 87(2)(b)'s wrist and twisted it behind her back (**Allegation A: Force – Physical Force**, § 87(2)(g)). § 87(2)(b) broke free from Police Officer Gonong's grip, and then Police Officer Gonong allegedly placed her in a chokehold, allegedly restricting her breathing for approximately 30 seconds (**Allegation B: Force – Chokehold**, § 87(2)(g); **Allegation C: Force – Restricted Breathing**, § 87(2)(g)). This incident resulted in no arrests or summonses.

Video footage that captures the playground was obtained from the New York City Housing Authority, but much of the incident occurs out of the frame, and this footage did not capture any of the allegations in question. This footage is saved in IA#34 and is summarized in IA#50 (Board Review 02).

## Findings and Recommendations

**Allegation (A) Force: Police Officer Joseph Gonong used physical force against § 87(2)(b)**

**Allegation (B) Force: Police Officer Joseph Gonong used a chokehold against § 87(2)(b)**

**Allegation (C) Force: Police Officer Joseph Gonong restricted § 87(2)(b)'s breathing.**

On September 29, 2018, § 87(2)(b) provided a telephone statement to the Internal Affairs Bureau (Board Review 03), and on August 20, 2018, she provided a telephone statement to the CCRB (Board Review 04). On August 29, 2018, § 87(2)(b) and three of her four daughters – § 87(2)(b) -old § 87(2)(b), § 87(2)(b) -old § 87(2)(b) and § 87(2)(b) -old § 87(2)(b) – were interviewed at the CCRB. § 87(2)(b)'s fourth daughter, § 87(2)(b) -old § 87(2)(b) was deemed too young to interview. § 87(2)(b) -old § 87(2)(b) and her sister, § 87(2)(b) -old § 87(2)(b) provided telephone statements on October 16, 2018 (Board Review 05, 06). § 87(2)(b) did not appear at the CCRB for her scheduled interview appointment on October 26, 2018, and her mother, § 87(2)(b), did not respond to subsequent contact attempts to reschedule § 87(2)(b)'s interview. Contact was unable to be established with § 87(2)(b) and § 87(2)(b)'s sister, § 87(2)(b) -old § 87(2)(b) and with a witness known only as § 87(2)(b). The remaining witnesses remain unidentified. Police Officer Rathour and Police Officer Gonong were interviewed on October 19, 2018 and October 31, 2018, respectively.

§ 87(2)(b) stated that she and her sisters were engaged in a verbal dispute with § 87(2)(b) and her sisters in a playground outside of § 87(2)(b) in Brooklyn. The § 87(2)(b) sisters said they wanted to fight § 87(2)(b) and one of the § 87(2)(b) sisters, who remains unidentified, began flicking a lighter, which prompted § 87(2)(b) to tell § 87(2)(b) to call the police. Police Officer Joseph Gonong and Police Officer Gurdit Rathour responded to the scene and stood in front of § 87(2)(b). § 87(2)(b) reached around Police Officer Gonong and slapped § 87(2)(b) in her face and then moved away. § 87(2)(b) attempted to slap § 87(2)(b) back, but Police Officer Gonong allegedly grabbed her arm, pulled it behind her back, and lifted it up. § 87(2)(b) attempted to escape Police Officer Gonong's grip, but she was unsuccessful. Police Officer Gonong told § 87(2)(b) to not retaliate. Police Officer Gonong then allegedly wrapped his arm around § 87(2)(b)'s neck and placed her neck in the inside of his elbow, placing her in a "chokehold" and allegedly restricting her breathing for approximately 30 seconds. After Police Officer Gonong released § 87(2)(b), § 87(2)(b) gathered her daughters and brought them home.

§ 87(2)(b), § 87(2)(b), and § 87(2)(b)'s statements were generally consistent with § 87(2)(b)'s. § 87(2)(b) stated that Police Officer Gonong twisted § 87(2)(b)'s wrist and had his elbow wrapped around § 87(2)(b)'s neck from behind for approximately eight minutes. She also stated that § 87(2)(b) did not appear to have trouble breathing or complain that her breathing was restricted. § 87(2)(b) and § 87(2)(b) stated that Police Officer Gonong grabbed § 87(2)(b)'s throat with one of his hands from behind, such that his elbow was down by her chest. § 87(2)(b) stated that Police Officer Gonong held § 87(2)(b) like this for approximately five minutes and that § 87(2)(b) complained that she could not breathe. § 87(2)(b) stated that neither she nor any of her children obtained or sought medical treatment as a result of this incident.

§ 87(2)(b) stated that it was the § 87(2)(b) sisters who antagonized her and her sisters and said they wanted to fight. However, she acknowledged that § 87(2)(b) slapped § 87(2)(b) in her face, and she alleged that Police Officer Gonong then placed both of his hands around § 87(2)(b)'s neck for approximately two minutes. § 87(2)(b) stated that § 87(2)(b) turned red but did not appear to have trouble breathing.

§ 87(2)(b) stated that she had no knowledge of this incident.

Police Officer Gonong stated that after § 87(2)(b) slapped § 87(2)(b) he told § 87(2)(b) to not go after § 87(2)(b). § 87(2)(b) pushed him in an attempt to run after her. Police Officer Gonong then pushed one of § 87(2)(b)'s shoulders, grabbed one of her wrists, and pushed it towards her body to prevent her from fighting § 87(2)(b). He stated that he did nothing else to gain control of § 87(2)(b). Police Officer Gonong denied grabbing § 87(2)(b)'s neck with either hand, wrapping his arm around § 87(2)(b)'s neck, making physical contact with her neck in any fashion, and placing her in a chokehold at any point. He stated that § 87(2)(b) did not appear to have difficulty breathing and did not complain of her breathing being restricted.

In his Threat, Resistance, and Injury Report (Board Review 07), Police Officer Gonong wrote that he pushed § 87(2)(b)'s wrist to prevent her from fighting with another civilian. Police Officer Gonong did not indicate on this document that he used any other force.

Police Officer Rathour's statement was generally consistent with Police Officer Gonong's, but Police Officer Rathour noted that he did not recall seeing Police Officer Gonong make any physical contact with § 87(2)(b) at any point.

Patrol Guide Procedure 221-01 (Board Review 08) states that officers "will use only the reasonable force necessary to gain control or custody of a subject," and, "In determining whether the use of force is reasonable, [officers] shall consider... actions taken by the subject... [and the] immediacy of the perceived threat or harm to the subject, [officers], and/or bystanders." Patrol Guide Procedure 221-01 defines a chokehold as "any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air," and states, "[officers] SHALL NOT use a chokehold."

§ 87(2)(g)  
[REDACTED]

§ 87(2)(g)  
[REDACTED]

### **Allegations Not Pleaded**

§ 87(2)(b) alleged that after Police Officer Gonong let go of § 87(2)(b) he told her to stop or she would be arrested. § 87(2)(g)  
[REDACTED]

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) or § 87(2)(b) has been a party (Board Review 09).
- Police Officer Joseph Gonong has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject (Board Review 10).

**Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
  - As of November 16, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 11).
  - According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review 12).
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Squad No.: 02

Investigator:			
	Signature	Print Title & Name	Date

Squad Leader:			
	Signature	Print Title & Name	Date

Reviewer:			
	Signature	Print Title & Name	Date